

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JAMES DELANO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:24-cv-327-JTA
	)	
STEPHANIE M. AZAR, et al.,	)	
	)	
Defendants.	)	

**ORDER**

The plaintiff filed this complaint on May 30, 2024. (Doc. No. 1.) The defendants, AlaHealth, Inc. and SeniorSelect Partners, Inc. were served with the complaint on or before June 10, 2024. (Doc. No. 13.) Prior to filing an answer or motion for summary judgment, the plaintiff filed a Motion to Dismiss Without Prejudice wherein he requests dismissal of these defendants. (Doc. No. 15.) The Court construes the motion as a Notice of Voluntary Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff “before the opposing party serves either an answer or a motion for summary judgment[.]” Fed. R. Civ. P. 41(a)(1)(A)(i). Under Federal Rule of Civil Procedure 41(a)(1)(B), such dismissal is “without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

Accordingly, it is

ORDERED that Plaintiff’s motion to dismiss defendants AlaHealth, Inc. and SeniorSelect Partners, Inc. (Doc. No. 15) is construed as a Notice of Voluntary Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

DONE this 23rd day of July, 2024.



---

JERUSHA T. ADAMS  
UNITED STATES MAGISTRATE JUDGE